

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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TRUSTEES of the SHEET METAL WORKERS
LOCAL UNION No. 28 BENEFIT FUNDS,

Plaintiff,

ORDER

10-cv-392 (ADS)(ARL)

-against-

K&K CONSTRUCTION OF QUEENS
COUNTY, INC.,

Defendant.

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APPEARANCES:

Law Offices of William Rothberg

Attorneys for the plaintiff

16 Court Street

Brooklyn, NY 11241

By: Sylvie Straus-Figueroa, Esq., of Counsel

NO APPEARANCE:

K&K Construction of Queens County, Inc.

SPATT, District Judge.

The plaintiffs commenced this action on or about January 29, 2010, asserting various labor-related claims against the defendant. On March 28, 2011, the Court entered a default judgment against the defendant, and referred the matter to United States Magistrate Judge Arlene R. Lindsay for an inquest as to damages, appropriate injunctive relief, appropriate attorney's fees, and costs. On May 11, 2011, Judge Lindsay issued a thorough Report recommending that the plaintiff be awarded damages in the amount of:

- \$104,427.61 in unpaid fringe benefit contributions;
- \$49,772.51 in interest;

- \$350.00 in costs.

To date, no objection has been filed to Judge Lindsay's Report and Recommendation.

In reviewing a report and recommendation, a court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Serv., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (citing Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The Court has reviewed Judge Lindsay's Report and finds it be persuasive and without any legal or factual errors. There being no objection to Judge Lindsay's Report, the Court adopts the Report.

For the foregoing reasons, it is hereby:

ORDERED that Judge Lindsay's Report and Recommendation is adopted in its entirety; and it is further

ORDERED that the Clerk of the Court is directed to enter a default judgment against the defendants in the amount set forth above; and it is further

ORDERED that the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
September 27, 2011

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge